

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/657,886	HENNIG ET AL. <span style="float: right;">S</span>	
	Examiner	Art Unit	
	Frantz F. Jules	3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/19/2004.
2. ☒ The allowed claim(s) is/are 1,3-10 and 12-14.
3. ☒ The drawings filed on 29 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10292004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward D. Steakley on 10/29/2004.

The application has been amended as follows:

In claim 12, line 16, the word --the-- has been added in front of the word heat.

### **REASON FOR ALLOWANCE**

2. Naedler discloses a wheel end assembly rotatable on an axle on a vehicle having a high temperature warning system comprising, an air pressure supply positioned inside the axle and connected to a pressure source on the vehicle, a valve connected to the axle. Kostroun et al discloses a wheel end assembly comprising a heat sensitive control and a normally closed valve mounted on the axle for measuring the temperature of the assembly and axle and a warning system connected to the pressure supply for actuation upon opening of the valve. Mittal discloses an apparatus for controlling and adjusting air pressure in pneumatic vehicle tires. The apparatus comprising automatically checking tire pressure, tire and system leaks, and controllably inflates and deflates the tire as condition warrant. Ploeger discloses an automatic wheel bearing lubricator comprising a lubrication fitting for filling the lubricator and an overflow aperture disposed through a side wall of the body at a point adjacent to the piston for relieving

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excess lubricant pressure. A heat responsive member located in the body is operative to release lubricant from the hub cavity in response to an abnormally high lubricant temperature. However, none of the references of record suggests a wheel end assembly rotatable on an axle on a vehicle having a high temperature warning system, wherein the heat sensitive control includes a heat sensitive pressure barrier in the manner defined in the instant claim 1 and in combination with other limitations of the claim. Also, none of the references of record suggests a wheel end assembly rotatable on an axle on a vehicle having a high temperature warning system, wherein the air pressure supply includes tubing positioned in a wheel axle and connected to one or more heat sensitive pressure barriers in the manner defined in the instant claims 8, 13-14. Moreover, a wheel end assembly rotatable on an axle on a vehicle having a high temperature warning system, wherein the hollow axle is closed at the ends with a plug and the heat sensitive control includes a heart sensitive pressure barrier positioned in each plug in the manner defined in the instant claim 12 and in combination with other limitations of the claim.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

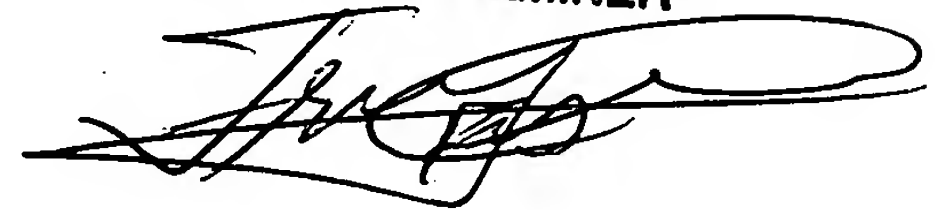
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

October 29, 2004

FRANTZ F. JULES  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.